

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                |   |
|--------------------------------|---|
| <b>IN RE:Paul A. Warren</b>    | <b>: CHAPTER 13</b>                         |
| <b>xxx-xx-3691</b>             | <b>:</b>                                    |
| <b>9223 Eagle View Drive</b>   | <b>: CASE NO. 10-17172BIF</b>               |
| <b>Lafayette Hill PA 19444</b> | <b>:</b>                                    |
| <b>DEBTOR</b>                  | <b>:</b>                                    |
|                                | <b>:</b>                                    |
| <b>Paul A. Warren</b>          | <b>:</b>                                    |
| <b>v.</b>                      | <b>: ADVERSE NO. 11-16 BIF</b>              |
|                                | <b>:</b>                                    |
| <b>Wella Fargo Bank N.A.</b>   | <b>: HEARING DATE: 3/15/11</b>              |
| <b>F/K/A Wachovia Mortgage</b> | <b>: TIME: 11:00 A.M.</b>                   |
| <b>101 N. Phillips Avenue</b>  | <b>: LOCATION: COURTROOM NO. 2</b>          |
| <b>Sioux Falls, SD 57104</b>   | <b>: UNITED STATES BANKRUPTCY CT.</b>       |
|                                | <b>: 900 MARKET ST., 2<sup>ND</sup> FL.</b> |
|                                | <b>: PHILADELPHIA, PA 19107</b>             |

**MOTION FOR DEFAULT JUDGMENT**

And now come the Plaintiff, Paul A. Warren, by and through his counsel, Michael W. Gallagher, Esquire, and does pray this Honorable Court enter Judgment in favor of Plaintiff and against Defendant in default of an Answer to the Complaint, and in support thereof do say and aver as follows:

1. Plaintiff commenced the instant adversary proceeding by the filing of a Complaint with your Honorable Court on January 11, 2011.
2. A summons directing that an Answer or other responsive pleading be filed with the Court was entered by the Clerk of the Court on January 13, 2011. A true and correct copy of the Docket of the instant case is attached hereto, incorporated

herein, and marked as Exhibit "A".

3. Said summons, together with a true and complete copy of the Complaint was served upon the Defendant on January 13, 2011. A copy of the Affidavit of Service filed in this case is attached hereto and incorporated herein as Exhibit "B".

4. The deadline for filing an answer or other responsive pleading in this matter was February 12, 2011.

5. Defendant has not responded to the Complaint in any way, to the best of the knowledge, information and belief of Plaintiff through his counsel, and no responsive pleading has been filed to date.

6. Plaintiff is entitled to judgment in the instant case pursuant to Fed. R. Bankr. P. 7055 and F.R.C.P. 55.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in favor of Plaintiff and against Defendant as requested in Plaintiff's Complaint; and that the Court enter an Order;

A). Stating that any claim filed by the Defendant to this date or at any time henceforth based upon the second and third mortgages on the premises of the Debtor at Unit 729, 20355 NE 34 Court, Aventura FL 33180-3300 be reclassified as a wholly unsecured claim or claims, and striking or otherwise modifying any such Proof of Claim to show that the debt in question is wholly unsecured;

B). Ordering the Defendant to void and/or vacate the second and third mortgages held by the Defendant upon the property of the

Plaintiff, or in the alternative, marking said second and third mortgages as "satisfied" upon the records of the Recorder of Deeds of Dade County, Florida, within thirty (30) days of the completion of the Plaintiff's Chapter 13 Plan and the entry of an order of discharge thereafter; and

C). Ordering the Defendant to deliver same to counsel for Plaintiff, at no cost or charge for such cancellation and delivery.

Respectfully submitted,

/s/Michael W. Gallagher  
Michael W. Gallagher, Esquire  
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Attorney for Debtor